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American Samoa

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I. Background information

A. Geography

1. American Samoa,[1] a Non-Self-Governing Territory of the United States of America, is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of seven islands (Tutuila, Aunuu, Ofu, Olosega, Tau, Swains and Rose) and several lesser islands belonging to the Samoan group. Swains Island is 340 kilometres north of Tutuila and is administered as an integral part of American Samoa. The terrain includes five volcanic islands with rugged peaks and limited coastal plains, and two coral atolls, Rose Island and Swains Island. The total land area of the Territory is 197 square kilometres, about 70 per cent of which is covered by dense forest. Lying near the equator, between 13° east and 16° south-east, American Samoa has a typical tropical climate with a wet and a dry season. Tutuila, the largest island, constitutes 70 per cent of the total land area and is home to 90 per cent of the population. Pago Pago, the capital and the site of one of the Pacific's greatest natural harbours, is located on Tutuila.

2. The Samoan islands are in the path of the south-west trade winds, which bring frequent rains, averaging 200 inches annually and resulting in lush vegetation in most of the islands, most of the time. The mountainous terrain and the heavy annual rainfall have important implications for agriculture and the domestic food supply. The soil of the slopes is thin as a result of leaching and can support only jungle vegetation. The soil in the valleys and on the plains is fertile and suitable for growing tropical fruits and vegetables, but there is not much of it. Commercial agricultural development has been constrained by the scarce supply of level land for which there are a number of competing uses.[2]

B. History

3. It is generally believed that the Samoan archipelago was settled some 3,000 years ago by people migrating into the Pacific from South-East Asia. The Dutch were the first Europeans to find these islands, in 1722. Some settlers came to the islands in the early 1800s, followed by missionaries in 1830. By the late 1800s, internal strife among the chiefs and struggles among the colonial Powers of Germany, Great Britain and the United States led to a period of instability. In 1899, after the signing of a treaty by the three Powers, Germany annexed Western Samoa and a year later, in 1900, the eastern islands (American Samoa) were ceded to the United States.

4. Deeds of cession of these islands to the United States were formally accepted by means of an Act of Congress on 20 February 1929. Pursuant to this Act, the native inhabitants were given the status of American nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States.

5. American interest in the eastern end of the Samoan archipelago was mainly military. Pago Pago Harbor, one of the deepest natural harbours in the South Pacific, was seen to be of value as a coaling station for American ships. Consequently, the Territory was placed under the jurisdiction of the United States Navy, which controlled access to it and appointed its Governor until 1951. An executive order transferred authority over the Territory to the Department of the Interior in 1951, paving the way for civilian rule.

C. Population

6. American Samoa's population is growing rapidly, at an annual rate of 2.64 per cent. According to the *World Fact Book* of July 1999, the population is estimated at 63,786. The annual birth rate is 26.53 births per 1,000 population and the annual death rate 4.04 deaths per 1,000 population. The annual net migration rate is 3.92 migrants/1,000 population. The sex ratio is 1.02 males/female. Life expectancy is 75.46 years, with male life expectancy at 71.23 years and female life expectancy at 79.95 years. The median age is 21 years.

7. Ethnically, the population breaks down into 89 per cent Samoan (Polynesian), 4 per cent Tongan, 2 per cent Caucasian and 5 per cent other groups. Some 50 per cent of American Samoans belong to the Christian Congregationalist Church, 20 per cent are Roman Catholic and 30 per cent are Protestant and other denominations. The population speaks Samoan which is closely related to Hawaiian and other Polynesian languages, and English. Most people are bilingual. The literacy rate is 97 per cent.

8. Rapid population growth places a strain on the public infrastructure and on the ability of the Government of American Samoa to provide necessary services. In his State of the Territory address delivered in January 2001, the Governor of American Samoa announced that he would soon release the report of the Population Growth Task Force, which was established in 2000 to examine the social and environmental issues associated with the Territory's rapid population growth and make recommendations for action. He said that the first step in controlling the problem would be to address the issue of immigration (see para. 88 below).

II. Constitutional, legal and political issues

A. Constitutional structure

9. A constitutional committee was set up in 1954 on the recommendation of the Governor and with the approval of the Secretary of the Interior and the Samoan legislature. The Constitution was completed in 1960 after six years of debate and drafting. Ratified and approved by the Secretary of the Interior on 27 April, it was adopted by the Constitutional Convention of the Samoan people on that same day.[3] It came into effect on 17 October 1960, was revised in 1967 and was subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an Act of the United States Congress.

10. In constitutional referendums held in successive years between 1972 and 1974, American Samoans rejected a proposal to elect their own Governor. In a plebiscite held on 31 August 1976, the people of American Samoa voted to elect their own Governor and the first elected Governor was sworn in on 3 January 1978. The most recent election was held in November 2000. Since 1981, American Samoa has also elected, by direct vote, a non-voting delegate to the United States House of Representatives, who can, however, vote in committees. The current delegate was re-elected in November 1998.

11. As American Samoa is an unincorporated and unorganized Territory of the United States, not all provisions of the United States Constitution apply. Residents of American Samoa are not United States citizens. Residents of United States Territories cannot vote in the United States general election but are permitted to participate in presidential primaries and caucuses. They are United States nationals who can freely enter the United States and work and reside anywhere they choose. Because of the Territory's status, American Samoans have their own immigration laws, and entry into American Samoa by foreigners is not the same as entry into the United States (in contrast with Guam, where United States immigration laws apply).[2]

12. The Constitution provides for separate executive and legislative branches and an independent judiciary. All American Samoans over 18 years of age are eligible to vote.

13. The executive branch comprises a Governor and a Lieutenant-Governor elected for four years by universal adult suffrage. The Governor is responsible for executing both the American Samoan code and executive rules as well as those United States laws and portions of the United States Constitution that are applicable to American Samoa.

14. There is a bicameral legislature, known as the Fono, which comprises an 18-member Senate and a 20-member House of Representatives. The members of the House of Representatives (the lower House) are elected by popular vote, while members of the Senate are chosen by traditional tribal councils. Only *matais* (or chiefs) can become senators. Legislative reappointment is effected at least once every five years. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements. The Fono convenes for two 45-day sessions a year.

B. Legal system

15. The Chief Justice and the Associate Justices of the High Court are appointed by the United States Secretary of the Interior. The judiciary consists of the High Court, which has jurisdiction throughout the Territory. The High Court is divided into appellate, trial and land and titles courts. District and village court judges are appointed by the Governor of American Samoa subject to approval by the Senate of American Samoa. Since American Samoa is not part of a United States federal judicial district or circuit, there are no

statutory provisions for appealing decisions of the High Court.

C. Political parties and elections

16. Elections were held on 7 November 2000 for the posts of Governor and Congressional Representative, as well as for all 20 seats of the House of Representatives. The incumbent Governor, Tauese P. F. Sunia, won re-election by 50.7 per cent of the vote; his nearest opponent, Senator Lealaifuaneva Peter Reid, won 47.8 per cent. The official results were not certified until 8 December, following consideration of challenges raised by Senator Reid as a result of the closeness of the tally.[4]

17. The incumbent Congressional Representative, Eni F. H. Faleomavaega, who has represented American Samoa in Washington, D.C. for the past 12 years, was also re-elected. His failure to obtain a simple majority in the first round, however, led to a 21 November run-off between Mr. Faleomavaega and Mr. Gus Hannemann, who had obtained the second largest number of votes on 7 November. Mr. Faleomavaega won 61.1 per cent of the vote to Mr. Hannemann's 38.9 per cent in the run-off, and thus was returned to Congress.

18. In elections for the American Samoa House of Representatives, of the 20 seats contested 12 incumbents were re-elected. Only one woman was elected among the five who ran; the previous House did not have any woman representatives.

19. The composition of the Senate also changed; 5 of the 18 incumbents continued and 8 new Senators were selected by their communities. The remainder of the seats were not decided, according to the latest information available.

20. The total number of registered voters for the 2000 elections was 15,592, a 7.4 per cent increase over registration for the 1998 elections.

D. Political issues

21. The main business of the Government is the management and distribution of federal income and capital subsidies. Civil service workers enjoy the highest wage rates in the Territory, making government work by far the most attractive job option for American Samoans. Many American Samoans with advanced degrees from the United States return to the Territory to work for the Government. A number of expatriates also work for the Government, especially in areas such as financial services where local expertise is scarce.

22. The Government of American Samoa is highly centralized and performs all basic government functions. It is also the largest employer.[2] At the end of 1998, the number of employees in the Government of American Samoa reached 4,788. The Government also manages power, water and sewer systems through the American Samoa Power Authority.

23. The traditional communal system provides the basis for a strong Government whereby leaders are responsible not only for preserving the social order but also for the economic welfare of the extended family. The federal Government underwrites most of the cost of preserving this system. This affiliation allows the United States to have access to and use of the Territory for defence and other purposes.

III. Budget

24. As reported in the previous working paper (see A/AC.109/2000/3, paras. 29-33), American Samoa's public finances are threatened by possible federal budget cuts, a rising population, falling revenues and management inefficiencies. In the short term, the Government faces constant cash-flow problems that result in higher prices of contracted supplies, delayed payments to government workers and delayed tax refunds. The dominating presence of the territorial Government in the economy as a whole compounds the general effect of the Government's financial weakness. In his budget statement on 8 January 2001, Governor Sunia said, "We are far from being financially sound. We still live on a hand-to-mouth financial state. Every other week we struggle to meet our payroll".

25. The Government is also caught between fiscal reform measures it has adopted, which are expected to be good for the Government in the long-term, but which exacerbate short-term cash-flow problems.[5] The territorial Government fears that its long-term fiscal situation might deteriorate as a result of the federal Government's proposals to reduce both government spending and tax rates, effectively increasing the gap between spending and revenues in American Samoa. (Currently any changes in the United States Tax Code

would be binding on American Samoa, as according to local law the United States code is automatically adopted by the territorial legislature as the local tax code.)

26. In the review period, some steps have been taken to address these problems. The Governor established the Territorial Office for Fiscal Reform, which will focus on compiling a comprehensive financial reform plan to be submitted to the legislature in July 2001. The Governor also announced his intention to establish an Office of Revenues, separate from the Department of the Treasury, but comprising the tax, customs, and revenue offices of the Department. The Governor stated that separating revenue collections from disbursements would introduce a higher level of accountability to the Territory's fiscal system.

27. In September 2000, the Governor proposed a total budget of $201.5 million. This includes $73.6 million for basic government operations, $10.4 million in capital improvement projects and $74.5 million in Enterprise Funds (public funds intended to facilitate private investment in poorer areas). Government operational expenditures are about 9 per cent lower than in the previous year, in keeping with a target set by the Governor.[6] The Senate later reduced the budget by $1.3 million, anticipating lower revenues than the Governor had.[7]

28. On the revenue side, the Government of American Samoa anticipates raising about $50 million in local revenues; the $23 million shortfall in operating costs will be met by a grant from the United States Department of the Interior. American Samoa will continue, therefore, to be the only United States Territory to receive direct financial aid from the federal Government for its operating costs. Capital improvement projects and Enterprise Funds are also federal projects. In June, the Territory's congressional delegate, Eni Faleomavaega, said that the United States House of Representatives Appropriations Committee had threatened to cut funding for fiscal year 2002 if American Samoa did not implement fiscal reforms by 2001.[8]

29. Some short-term cash-flow problems are expected to be alleviated by several developments affecting revenue during the review period:

(a) In June 2000, the Government was able to refinance a number of outstanding loans by issuing municipal bonds. The transaction is expected to save the Government $365,000 per year over the next eight years in reduced interest payments;

(b) The Government arranged to borrow $18.6 million from the Department of the Interior. This so-called "tobacco loan" will be repaid over the next 26 years with proceeds from American Samoa's share ($37 million) of the settlement from a multi-state suit against tobacco companies;[9] most of the money will be used to repay debts to vendors incurred prior to 15 April 1999;

(c) In October 2000, $2 million earmarked for American Samoa that had been frozen two years earlier by the United States Congress to pressure the Government to pay debts owed to off-island hospitals (see A/AC.109/2000/3, para. 27), was agreed to be released;[10]

(d) Also in October, a California Court of Appeals ruled in favour of the territorial Government in a suit that the Government had brought against an insurance company. The Government had charged that the company did not pay for damages owed as a result of a 1991 hurricane. The appeals court upheld a lower-court ruling that the company owed the Territory $47.9 million in basic damages. The entire amount will be used to cover lawyers' fees and debts to the Federal Emergency Management Agency, which had lent money to the Territory on the condition that it would be repaid if the lawsuit was successful. The Territory may still receive an additional portion of $82 million in punitive damages that it claimed;[11]

(e) The United States Internal Revenue Service began transferring to American Samoa payments for the federal child tax credit programme. The Government of American Samoa had protested that this programme had an unfunded mandate, as it required the local Government to pay the credits but did not provide it with the resources to do so. The Government estimates that it will receive between $3 million and $4 million in payments from the Internal Revenue Service to pay what it owes to taxpayers;[12]

(f) In April 2001, the American Samoa legislature authorized the territorial Treasurer to borrow up to $5 million from the Bank of Hawaii as protection against fluctuating and inconsistent revenue streams, and in particular to allow it to cover its bi-weekly payroll (salaries being the Government's largest budget item).[13]

30. Notwithstanding these unexpected revenue resources, the head of the Territorial Office for Fiscal Reform still estimated a revenue collection shortfall of $10 million for fiscal year 2000. He cited poor past financial records as a reason for the difficulty in making accurate revenue projections, and noted the unlikelihood of any of the annual financial reports since 1997 being complete enough to be auditable.[14] In his January 2001 statement, the Governor noted abuses in hiring and personnel matters that had greatly inflated expenses and needed to be addressed. He proposed a law containing clear penalties for violations of the Budget Act. Other proposals by the Governor to promote fiscal discipline included: improving procurement practices, strictly enforcing overtime payments, taxing profits of fishing vessels and off-island companies that sell services, such as insurance, on the island and reducing income tax fraud.

IV. Economy

A. General

31. The Bank of Hawaii explained in its 1997 Economic Report that "reliable economic information on American Samoa is scarce and often dated. In recent years, the American Samoan Government has attempted to put together statistics on the economy and labour force, but what is published is available often two or three years after the close of the calendar year. The information vacuum makes analysis of the American Samoan economy incomplete and, by necessity, more qualitative than quantitative."

32. Economic activity is strongly linked to the United States, with which American Samoa conducts the great bulk of its trade. Tuna fishing and tuna processing plants are the backbone of the private sector, with canned tuna as the primary export. Attempts by the Government to develop a larger and broader economy are constrained by American Samoa's remote location, limited transportation and devastating hurricanes.

33. Prospects for agricultural development are limited owing to the small amount of land suitable for cultivation. About 93 per cent of American Samoa's economy is based on United States federal expenditures and the canning industry, while the remaining 7 per cent stems from a small tourism industry and a few businesses. Local businesses are small and sell exclusively to the local market.[15] They face high costs owing to limited access to capital and the need to import most goods and raw materials. They are also vulnerable to competition from neighbouring islands with lower wage levels and from larger, more efficient businesses in the United States.

34. The largest trading partner of American Samoa remains the United States, followed by New Zealand, Australia and Fiji. Imports are mainly food (22 per cent) and petroleum products (17 per cent), machine parts, building materials, textiles and clothing; canned tuna accounts for 97 per cent of exports.[15]

35. In his January 2001 state of the Territory address, the Governor said that the local economy had been healthy over the past several years in large part because of the booming United States economy. He noted that more and more business licences had been issued annually, and that demand for employment remained high. The construction and fishing industries had continued their strong growth, although some manufacturing ventures had not been as successful as hoped (see para. 43 below). He noted that tourism was an underdeveloped sector in which he expected improvement soon.

36. According to the most recent figures available, in 2000 inflation in the Territory remained very low — at 0.6 per cent. The cost of living has risen only by 2.3 per cent over the past two years. The only significant price rise occurred in the alcohol and tobacco group of products, which increased by 27 per cent over the past two years. This reflects increases in both wholesale prices and additional taxes.[16] (For information on unemployment, see para. 70 below.)

B. Economic sector

1. Agriculture and fisheries

37. According to local press reports, in a comprehensive economic development strategy for American Samoa released in April 2000, it was noted that 90 per cent of the Territory's economy and one third of its workforce was dependent on the fishing industry.[17] It is estimated that American Samoa's domestic commercial fishing fleet consists of 47 small catamarans equipped for longlining. New fishery development projects funded by the United States Administration for Native Americans are aimed at revitalizing American Samoa's fishing heritage.

Several non-profit organizations have undertaken projects to provide boats and train young American Samoan fishermen that will target fresh fish for export as well as develop seafood processing enterprises for pelagic fish.

38. These initiatives are complemented by an amendment proposed by the Western Pacific Fishery Management Council to the Pelagic Fisheries Management. It aims to restrict vessels larger than 50 feet from fishing within 50 nautical miles of most of the American Samoan islands as well as to safeguard American Samoan fishing communities by encouraging the domestic harvest of pelagic fish. A revised amendment is pending approval by the Secretary of Commerce following approval by the National Marine Fisheries Council in October 2000.[18]

39. The harbour at Pago Pago gives the Territory a natural advantage with respect to landing fish for processing. This harbour, together with the special provisions of United States law that protect the industry, forms the basis of American Samoa's largest private industry which is now more than 40 years old. The Territory is exempt from the Nicholson Act, which prohibits foreign ships from landing their catches in United States ports. The parent companies of American Samoa's fish processing plants enjoy special tax benefits and reduced labour costs. The two canneries employ some 4,000 workers, most of whom are from independent Samoa, although all pay taxes to the Government of American Samoa. However, the comprehensive economic development strategy (see para. 37 above) warned that American Samoa's advantages in the industry were being eroded by recent trends in world trade, in particular the trend towards lower tariffs between the United States and its trading partners, which eliminated American Samoa's advantage as a United States Territory.

40. American Samoa's tuna processing industry is the fourth largest in the world. The most recent available statistics indicate that, in 1994, American Samoa shipped to the United States 211.6 million pounds of canned tuna worth $309.5 million (see A/AC.109/2023, paras. 16-17).

2. Manufacturing/industry

41. Apart from fishing and fishing-related industries, other industrial activities in American Samoa are mostly service-oriented. There are a number of small factories processing soap, perfume and alcohol. High costs and distance to markets restrict the ability of local businesses to export. They remain vulnerable to competition from those neighbouring islands with lower wage levels, and from larger, more efficient business in the United States. The disadvantages of a remote location, lack of skilled manpower, limited infrastructure and the lack of significant comparative advantages over other Pacific sites have yet to be overcome.[19]

42. According to a 1999 report from the United States Department of the Interior, Office of Insular Affairs, three local investors had shown an interest in establishing food processing plants in the Territory. Of the three proposals, the sausage plant is already under way in developing its product to meet local demands.

43. The Governor noted in his state of the Territory address on 8 January 2001 that efforts to develop a garment manufacturing industry had suffered a major setback. Over the past several years, at least three companies had been given permission to set up garment-making facilities under advantageous tax and immigration conditions. They had been allowed to employ foreign workers from Asia for several years on the presumption that the companies would train Samoans to eventually replace them, thus establishing a local garment industry that would benefit local workers. Instead, one company had left the island when the Government did not accede to its request to prolong its favourable immigration status, another had its articles of incorporation revoked owing to illegal activities and a third went bankrupt after riots by its workers (see para. 73 below). In the meantime, because of the exemptions, none of these companies paid taxes to the Government, nor did they train or hire a significant number of Samoans. In rejecting a bid by a New York-based company to take over the bankrupt garment factory and run it with workers brought from Asia, the Governor in February 2001 said that foreign-owned garment factories would no longer be allowed to operate in American Samoa.

44. The Governor noted in his 2000 state of the Territory address that the construction industry had continued to expand. He noted, however, that that was largely a result of the continued allocation of federal funds for the construction of roads, schools and hospitals.

45. In other sectors, according to the Department of Commerce, Office of Tourism, business is growing in Samoa. There are over 1,900 licensed businesses. Besides the two industry giants Van Camp and Star Kist, businesses include auto dealerships, communications, restaurants, import/export, warehouses, wholesalers, airlines, computers, clothing, produce, catering, construction, heavy equipment, rentals, theatres and handicrafts.[20]

3. Tourism

46. Despite the Government's efforts to encourage tourism, the industry remains relatively small. According to the United States Department of the Interior, tourist arrivals totalled 5,800 in 1995, a decline of about 1,500 from the 1992 figure and about half the visitor level in 1991. More recent statistics are not available.

47. American Samoa has little tourist infrastructure, with only one hotel (80 per cent government-owned) and a total of 260 hotel/motel rooms in Tutuila and Mau'a. In October 2000, the United States Department of Agriculture agreed to guarantee a loan to a local company to build a 105-room hotel in Ottoville, the first such guarantee to be approved for American Samoa. According to the company, all other approvals necessary had been granted, and construction on the $7 million project was expected to begin in early 2001.[21]

48. According to the Department of the Interior, in addition to its need for upgraded tourist facilities, the tourism industry needs increased promotion, improved skills training and increased international air travel services.

49. According to the Bank of Hawaii's 1997 Economic Report, the Rainmaker (American Samoa's only hotel), has in the past attempted to privatize or to sell the facility. Privatization efforts during the review period continued to face problems. In response to a government request for proposals to buy the hotel, only one prospective buyer submitted a bid before the 20 April 2001 deadline, despite the Government's indications that up to 12 parties had shown an interest.[22] In the meantime, a report submitted to shareholders in March 2001 revealed that the hotel had lost more than $200,000 during the previous year.[23]

50. Development of ecotourism is one of the most promising growth areas and it has community support. A major development in this direction was the establishment of the National Park of American Samoa in 1993. Except for American Memorial Park in Saipan, this is the only national park in which the federal Government does not own the land but had a 50-year lease from the American Samoa Government on behalf of the eight villages in the park. The park's 8,000 acres are spread over three islands and include 1,000 acres of the finest coral reef in the United States national park system.

C. Finance

51. The Bank of Hawaii and Amerika Samoa Bank provide full international banking services with correspondent banks in the United States and the Pacific region. Automated teller machine service is also provided at the respective branches.[20]

52. In November 2000, two of three federal regulatory agencies approved the sale of Amerika Samoa Bank to Australia New Zealand (ANZ) Bank. The Federal Insurance Depository Corporation and the United States Federal Reserve have approved the sale, while approval from the United States Securities and Exchange Commission is still pending according to the latest information available. ANZ announced in late 1999 its intention of acquiring the bank.[24]

53. A local group called South Pacific LIFE was given permission by the National Credit Union Administration in October 2000 to open a credit union for low-income families. The decision had taken into account concerns about the recent failure of the now-closed American Samoan Government Employees Credit Union, which had been investigated for non-conformance with its charter and federal regulations.

54. American Samoa, however, was not affected by a recent decision by the Bank of Hawaii for financial reasons and because of concerns about political stability to divest from the Pacific region, resulting in the closure of branches in French Polynesia, New Caledonia, Papua New Guinea and Solomon Islands. The bank decided to retain, in addition to its Hawaii operations, only its Tokyo and American Samoan operations.[25]

D. Transport and communications

1. Roads

55. There are approximately 150 kilometres of paved roads and 200 kilometres of secondary roads in American Samoa. According to the Governor, the number of registered vehicles in 1996 was 6,200.

56. The roads designated as federal highways are eligible for improvement using United States federal highway aid funds, but other roadways are the responsibility of the territorial Department of Public Works (see A/AC.109/2024/Add.1, paras. 38-40). The highway system in American Samoa is generally in poor shape owing to the effect of hurricanes, the age of the roads, inadequate maintenance and past road construction standards that did not meet current heavy traffic loads.

57. The Federal Highways Administration gave American Samoa $100,000 in 2000 to pave roads in the Manua Islands (Ofu, Olosega, and Tau), in particular on the smaller islands of Ofu and Olosega. This grant is separate from the $6 million main road-building project on Tau currently under way.[26] In October 2000, it was announced that American Samoa would receive more than $300,000 from the United States Department of Transportation for the identification of highway safety problems and the setting of performance measures to improve highway safety. Such funds are provided each year to all states and territories, according to a statutory formula based on population and road mileage, and at least 40 per cent of these funds must be used for local and community projects.[27]

2. Seaports

58. Pago Pago harbour is an all-weather deep-draught harbour. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. Pago Pago harbour provides the full complement of equipment and facilities and has a ship repair facility with a 3,000-ton marine railway. The port provides full port facilities, containerized cargo holding, warehousing, trans-shipment operations and tugboat services.[20]

59. However, the general condition of the port continues to deteriorate as a result of an inadequate maintenance budget. In September 1999, the Governor issued an executive order allowing the Department of Port Administration, rather than the Treasury, to handle its revenues so that payments to vendors may be made more efficiently. The Port Director noted in July 2000 that this had enabled the port to make timely payments for all its projects.[28]

3. Airports

60. Pago Pago International Airport is owned and operated by the territorial Government under the Department of Port Administration. It is well maintained, but needs a runway extension to allow fully loaded cargo and passenger aircraft to land and take off. The Federal Aviation Administration has approved funding for extending the runway an additional 1,000 feet, and $5.2 million was allocated in July 2000 by the United States Department of Transportation for this purpose.[29] At the same time, $3.7 million was allocated to extend the runway at Fitiuta Airport on Tau island, accommodating larger aircraft to land with improved safety margins.[30] There are two smaller airstrips, on the islands of Ofu and Tau. Although both have terminal buildings to handle passengers and cargo, currently they can handle only light aircraft (see A/AC.109/2044/Add.1, para. 48).

61. The Pago Pago airport has a tower with a Federal Aviation Authority controller. Pago Pago International Airport is regularly served by a number of airlines that link American Samoa with Hawaii and the United States mainland and other countries in the South Pacific. Hawaiian Air provides direct air service to Honolulu. Polynesian Airlines, Air New Zealand and Air Pacific provide regional air service to New Zealand, Australia, Fiji, Vanuatu, Tonga, New Caledonia, Tahiti and the Cook Islands.[20]

4. Communications

62. American Samoa, through the overseas communications satellite corporate link, has direct telephone dialling to most countries. There is a choice of mobile telephone service providers. Internet service to the World Wide Web is provided by the Office of Communications, American Samoa Government.[20]

63. There are several weekly newspapers in the Territory in both the English and the Samoan languages. There is also a daily newspaper, the *Samoa News*, in English, which also publishes a section in the Samoan language. Television, including programmes from the United States, and radio are also available.

E. Water, sanitation system and utilities

64. The American Samoa Power Authority (ASPA), which is government-owned, provides water, waste-water, solid waste and electric services to customers on five of the seven islands.

1. Water

65. The ASPA Water Division is responsible for providing safe drinking water to 90 per cent of the Territory,[20] with the remaining part being serviced by outer-village systems. It is responsible for restoring, maintaining and protecting the water supply during natural and man-made breakdowns. The daily capacity of the water system is 8.0 million gallons per day from high-quality groundwater and surface sources. Water rates are $1.25 per 1,000 gallons.

2. Electricity/power

66. ASPA generates, transmits and distributes electric power throughout American Samoa (see A/AC.109/2044/Add.1, para. 35). ASPA has a total of 31 megawatts of capacity. In 1996-1997 the rate was $0.1371 per kilowatt hour plus a $0.00720 per kilowatt hour fuel surcharge based on the changes in the cost of diesel to the Territory. In July 2000, ASPA urged its customers to conserve as much electricity as possible given the doubling of the price of fuel since April 1999.[31]

67. The electric system, power plants and power lines have been reconstructed to withstand hazards such as cyclones, earthquake and tsunami. Overhead power lines are also being rebuilt to Rural Utility Service standards so as to withstand cyclones with wind speeds up to 150 miles per hour.

3. Sanitation

68. The solid waste division of ASPA is responsible for management of the solid waste contract, management and maintenance of landfills, collection of solid waste, solid waste transfer stations and collection of scrap metal.

69. The Waste-Water Division of ASPA operates and maintains the two main sewer systems and satellite systems in Aunuu and Faga'itua. It maintains the lift stations and treatment plants, the sewer system pipes, standby generators and septic tanks.

V. Social conditions

A. Labour

70. The Territory is characterized by a low per capita income and a significant unemployment rate.[15] The Government of American Samoa stated in January 2000 that after years of a high unemployment rate (over 16 per cent in 1993), unemployment was well below 10 per cent.[32] According to the Governor, 70 per cent of the workforce in the private sector consists of foreign workers from outside American Samoa (see A/AC.109/2023, para. 31).

71. American Samoa is one of the two United States Territories in which employers are allowed to pay workers less than the mainland minimum wage to ensure compatibility with the prevailing cost of living. Wages in the Territory are set not by federal law but by recommendation of a special United States Department of Labor committee that reviews economic conditions every two years and establishes minimum wages by industry. In 2000, minimum wages in American Samoa were set at $2.50 per hour for the miscellaneous category to $3.97 for shipping and transportation. The total cost of the increase to employers was estimated at $1.4 million.[33]

72. In September 2000, monthly payments to retirees were increased by 0.6 per cent, the biggest increases going to those who had retired the earliest; supplementary benefits were also provided to retirees receiving the lowest benefits.[34] In December 2000, Social Security monthly payments were increased by 3.5 per cent to all the recipients in the Territory.[35]

73. There were incidents of labour unrest in the Territory related to a government-sponsored attempt to launch a garment manufacturing sector by allowing foreign companies to set up factories and to employ foreign workers (see para. 43 above). Daewoosa, a company based in the Republic of Korea, opened a garment factory in February 1999 using Vietnamese workers for whom immigration restrictions were waived by the Government of American Samoa. Following numerous complaints of non-payment by the workers, the United States Department of Labor ordered Daewoosa to pay back wages of $151,500 in May 1999 and $367,000 in June 2000.[36] Subsequently, following other complaints, including reports of beating and harassment,[37] a riot broke out at the factory causing 10 workers to be hospitalized. In early January

2001, the workers launched a class-action suit against the company.[38] At the end of January, the factory was closed, leaving over 200 foreign workers stranded and 84 Samoan workers jobless.[39] In April 2001, the factory's owner was arrested in American Samoa by the United States Federal Bureau of Investigation on charges of involuntary servitude and forced labour.[40] Both the class-action suit and the case against the factory's owner were pending at the time of writing.

B. Education

74. The literacy rate in the Territory is 97 per cent. Education is compulsory between 6 and 18 years of age. The educational system in American Samoa is broadly based on the United States pattern of eight years' attendance in elementary school and four years' enrolment in high school. In the academic year 2000/01, enrolment in public schools reached 17,000 students.

75. In his budget address on 8 January 2001, the Governor said that significant advances had been made in the educational system over the previous year. Approximately 50 teachers had earned baccalaureate degrees from the teacher-training programme at the University of Hawaii. Thirty-eight new classrooms had been constructed in elementary schools, as well as a new complex for the Tafna High School. The Governor also noted that major changes in the educational system had been introduced three years earlier, and that the use of United States curriculum and materials had produced good results, with American Samoa students demonstrating a high level of achievement in national tests in 2000.

76. The American Samoa Community College, established in 1970, offers two-year degree courses in arts and sciences and programmes offering certificates of proficiency in vocational and clerical skills, business and nursing. In the academic year 1998/99, the College's enrolment was about 770 students. At the end of 2000, the College started construction of a new state-of-the-art library, for which $1.4 million in federal funds had been secured.[41]

77. In November 2000, the Governor signed into law the establishment of the American Samoa Cultural Arts Academy. A grant of $100,000 was obtained from the United States Administration for Native Americans for the project. The Academy will focus on the revival and preservation of the Samoan language, material culture and values.[42]

78. In September 2000, the Director of Education announced that four new early childhood education centers would be built in the Territory with construction funds from a federal grant of $1 million. The 55 early childhood education centers currently existing in the Territory are all situated in privately owned buildings.[43]

C. Public health

79. The main hospital in the Territory (see A/AC.109/2080, paras. 26-28), the Lyndon Baines Johnson Tropical Medical Center, has 140 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services are available 24 hours a day at minimal cost to residents and visitors. For serious cases, off-island treatment, including hospitalization in Guam, Hawaii or the United States mainland, is provided free of charge.

80. Most social programmes in the Territory, including those related to public health, are funded by the federal Government.

81. The most serious health issues are related to the increase in chronic and lifestyle-related non-communicable diseases; substance abuse is also a growing concern. The control of non-communicable diseases through public awareness and health education programmes is a major public health objective.

82. The territorial Department of Health defined the following health development priorities for 1998-2002: surveillance and control of serious emerging and re-emerging infectious diseases; strengthening primary health services, health infrastructure and community health centre development; development of human resources for health; community involvement in health improvement; rational use of health resources; information-based decision-making; and promoting collaboration in health development.

83. In February 2001, the United Sates Department of Health and Human Services approved a grant of $70,538 for American Samoa under the new National Family Caregiver Support Program, to help provide home care for the elderly.

84. In May 2001, the Coalition on Teen Pregnancy Prevention was created in the Territory with the

objective of finding solutions to the increasing problem of teen pregnancy through the implementation of special programmes and the promotion of community awareness. The coalition includes over 20 representatives from government agencies, the hospital, and churches.[44]

85. The 1999 report of the World Health Organization did not show any recorded cases of HIV/AIDS in American Samoa. In October 2000, the Chairman of the Territory's HIV/AIDS Prevention Community Planning Committee stated that the Territory had no locally contracted cases of HIV. The Committee conducted an active educational campaign in schools, churches, and youth groups on HIV/AIDS prevention. The Committee also participates actively in related regional activities.[45]

D. Housing

86. During his state of the Territory address in January 2000, Governor Tauese stated that the Department of Public Works reviewed an average of five proposals a year for licences to build private homes, private schools and churches. According to the 1996 *American Samoa Statistical Digest* (the last published), the Department approved 158 new structures in 1995 and issued over 560 other building permits for repairs and other projects.[46] In 1994, a total of 674 land-use permits and 187 permits for new structures were issued. The total estimated value of all construction, excluding government projects was, $14 million.[47]

E. Immigration

87. American Samoa has its own immigration laws. In 1985, the territorial Government set quotas to regulate the number of foreigners entering the Territory annually to work. The quotas allow the admission of 1,000 persons from Samoa and 400 from other countries. Only American Samoans, United States citizens and nationals, and licensed companies can sponsor foreign workers (see A/AC.109/2023, paras. 32 and 33).

88. In September 2000, the American Samoa House of Representatives passed a bill restricting immigration. The bill would remove entitlements for children of migrants to free public education, would impose tighter conditions on individuals sponsoring aliens for domestic help, and would allow only companies that were at least 51 per cent Samoan-owned to sponsor aliens for work. The bill would also impose a $500 "immigration bond" in addition to the financial guarantees for medical care and repatriation that are currently required. The bill responds to recent complaints by Samoan lawmakers that an excessive number of aliens are employed by local business and by the Government.[48] In addition, as noted in paragraph 73 above, the waiving of immigration requirements to permit the entry of foreign workers has led to significant labour problems in the Territory.

F. Crime

89. In his annual address in January 2001, the Governor noted that during the past year there was an increase in the crime rate, in particular in the categories of violent crime, sexual crime and abuse of minors. The Governor said that the approval by the Secretary of the Interior of the new structure for the Territory's judicial system was expected. This new structure is intended to alleviate the existing excess load on the local courts of family related cases. The Government was also planning to improve police training so that the prevention of drug abuse and social unrest could be more effective.

90. According to the local media, in general the most common offences are disorderly conduct, assault, burglary, larceny, drunken driving, property damage and sex-related offences. In 1998, the Governor established the Office of Territorial and International Criminal Intelligence and Drug Enforcement, which was to operate independently of the regular police.

VI. Environment

91. The American Samoa Department of Commerce oversees all construction or earth-moving activities in the Territory and tackles concerns of fishery habitat loss, coastal hazards, including hurricanes, flooding and erosion, marine debris and solid waste. Eight local government agencies review major land activities.[20]

92. During the 2000 election campaign, polls conducted by a local newspaper showed that the majority of the population wanted the Government to increase efforts to protect the environment. Only 20 per

cent considered that the Government was doing enough in that area.[49]

93. According to a World Wildlife Fund report issued in February 2001, American Samoa contains one of the 10 most vulnerable forests in the world. The report states that currently only 0.2 per cent of the Territory's forest is protected. The Forest Service of the United States Department of Agriculture, in partnership with the territorial Government, has been implementing a number of programmes aimed at promoting the health and productivity of the Territory's forest lands. These programmes are focused on public education and tree planting, agroforestry, water resources, coastal stabilization, community beautification, late successional rainforest tree species, wood products, wildlife and conservation practices. The main objectives for 2001 include: the establishment of territorial regulations or legislation aimed at saving the threatened lowland rainforest areas; providing education to native American Samoans and recruiting staff for the forestry extension programme; enhancing technical skills through training programmes; completing a forest inventory, which will assess changes in forest dynamics and locate the most severe threats; and improving collaborative partnerships through combined Territory-wide programmes and projects.[50]

94. To help mitigate the effects of human use, the American Samoa Coastal Management Program was established for the coastal zone, which includes all land (126 miles of coast) and sea within 3 miles of the shoreline. The key legislation is the American Samoa Coastal Management Act of 1990. During the past year, the Government of American Samoa made an effort to protect the Territory's coral reefs and was actively involved in the work of the Coral Reef Task Force. In July 2000, the Governor issued an executive order prohibiting the collection and export of coral. The new order is based on the local laws under which the local marine resources and their habitats, as well as coral reefs, are protected from over-harvesting and degradation. According to the Governor, the coral reefs were "seriously over-fished".[51]

VII. Relations with international organizations/arrangements

95. American Samoa is a member of several regional organizations, including the South Pacific Commission, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memoranda of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

96. In August 1991, American Samoa, together with two other Territories administered by the United States, Guam and the United States Virgin Islands, established the Alliance of Dependent Territories, an organization that seeks to promote friendly relations and economic and technical cooperation among its members.

97. American Samoa participated as an observer in the Preparatory Committee for the Global Conference on the Sustainable Development of Small Island Developing States, as well as in the Conference itself, which was held in Barbados from 25 April to 6 May 1994.

98. American Samoa belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO), the Regional Office for the Western Pacific and the WHO Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies. The Territory has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988 (see A/AC.109/2023, paras. 40-43).

VIII. Future status of the Territory

A. Position of the territorial Government

99. In a statement made in 1993, the Lieutenant-Governor of American Samoa indicated that American Samoa preferred to remain a Territory of the United

States (see A/AC.109/1159, paras. 25-31). This position remains unchanged.

B. Position of the administering Power

100. On 25 September 2000, the representative of the United States made a statement before the Fourth Committee of the General Assembly with regard to all United States Territories (A/C.4/55/SR.3). He said that although his country continued to believe that the standards applied in General Assembly resolutions 1514 (XV) and 1541 (XV) were too narrow, it offered its full support to countries that chose independence. For Territories that did not choose independence, the United States fully supported the right of the peoples of those Non-Self-Governing Territories to a full measure of self-government if that was what they chose. His country did not believe that a single standard of decolonization applied to every Territory. He also said that at the close of the International Decade for the Eradication of Colonialism, tremendous progress was occurring in the lives of the peoples of the Non-Self-Governing Territories, and that for his country the term "non-self-governing" was of questionable applicability to those who were able to establish their own constitution, elect their own public officers, to have representation in Washington, D.C., and to choose their own economic path.

101. The representative also said that in his Government's opinion the mere presence of military interests in Non-Self-Governing Territories was not detrimental to the interests of such Territories or their peoples. On the contrary, such relationships formed the basis of partnership between individual regions and the outside world. Investment and economic activity did not necessarily constitute an obstacle to independence. His country's hope for the coming year was that the Special Committee would focus its efforts on the Territories included in the list of Non-Self-Governing Territories and not be side-tracked by other issues.

C. Consideration by the United Nations

102. In its report to the General Assembly at its fifty-fifth session (A/55/23, para. 87), the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples stated that during 2000 the Special Committee and the administering Powers had agreed, on an informal basis, on a non-paper outlining a general work programme that would serve as a reference in the preparation of individual work programmes for specific Territories. The Special Committee and the administering Powers had also agreed to prepare work programmes for American Samoa and Pitcairn. It had also been agreed that the administering Powers would ensure the participation of representatives of these Non-Self-Governing Territories at every stage of discussions. In a statement to the Fourth Committee of the General Assembly on 25 September 2000, the Chairman of the Special Committee said that a general work programme had been agreed upon as a starting point for discussions on American Samoa with the delegation of the United States of America (see A/C.4/55/SR.3).

103. On 8 December 2000, the General Assembly adopted without a vote resolutions 55/144 A and B, a consolidated resolution on 11 Non-Self-Governing Territories, section I of Assembly resolution 55/144 B being devoted specifically to American Samoa.

Notes

[1] The information contained in the present working paper was derived from published sources.

[2] Bank of Hawaii, 1997 Economic Report: American Samoa.

[3] Patricia Larkin and Gary Chung, *Constitutions of Dependencies and Special Sovereignties* (Dobbs Ferry, New York, Oceana Publications, February 1986).

[4] Pacific Islands Development Program/East-West Center, Center for Pacific Island Studies/University of Hawaii at Manoa (PIDP/CPIS), 10 December 2000.

[5] *Samoa News*, 15 March 2000.

[6] Ibid., 12 September 2000.

[7] Ibid., 27 September 2000.

[8] Pacific Islands Report, 20 June 2000.

[9] *Samoa News*, 22 and 24 March and 10 October 2000.

[10] Ibid., 13 September and 10 October 2000.

[11] Ibid., 11 and 12 October 2000.

[12] PIDP/CPIS, 10 January 2001.

[13] PIDP/CPIS, 1 April 2001.

[14] *Samoa News*, 26 September 2000.

[15] Submission by the United States Government under Article 73 *e*, April 1999.

[16] PIDP/CPIS, 10 May 2000.

[17] *Samoa News*, 5 April 2000.

[18] Ibid., 4 October 2000.

[19] Ibid., 16 February 2000.

[20] Samoanet.com.

[21] *Samoa News*, 25 October 2000.

[22] Ibid., 26 April 2001.

[23] Ibid., 16 April 2001.

[24] Ibid., 7 November 2000.

[25] Agence France-Presse, 25 April 2001.

[26] *Samoa News*, 8 September 2000.

[27] Ibid., 31 October 2000.

[28] Ibid., 28 July 2000.

[29] Ibid., 27 June 2000.

[30] Ibid., 18 July 2000.

[31] Ibid., 5 July 2000.

[32] Ibid., 14 January 2000.

[33] Ibid., 26 September 2000

[34] Ibid., 14 September 2000.

[35] Pacific Island Report, 27 December 2000.

[36] United States Department of Labor, Wage and Hour Division, press release, 22 June 2000.

[37] *The New York Times*, 6 February 2001.

[38] *Samoa News*, 2 January 2001.

[39] Ibid., 23 January 2001.

[40] Agence France-Presse, 16 February 2001.

[41] *Samoa News*, 20 December 2000.

[42] Ibid., 2 November 2000.

[43] Ibid., 5 September 2000.

[44] Ibid., 16 May 2001.

[45] Ibid., 25 October 2000; and Pacific Islands Report, 1 December 2000.

[46] Ibid., 12 January 2000.

[47] *American Samoa Statistical Digest*, 1995, p. 91.

[48] *Samoa News*, 13 September 2000.

[49] Ibid., 26 September and 6 October 2000.

[50] *US News and World Report*, via NewsEdge, 22 February 2001, and http://r05s001.pswfs.gov/fpm/factsheet/aamrsamoa.

[51] *Samoa News*, 12 June and 4 August 2000.